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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,)	2:15-mj-567-CWH
Plaintiff,)	
vs.)	<u>Stipulation to Continue Preliminary</u>
OSWALD PEREZ,)	<u>Hearing (First Request)</u>
Defendant.)	
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IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and ROBERT KNIEF, Assistant United States Attorneys, counsel for the United States of America, and Rebecca Levy, Assistant Federal Public Defender, counsel for defendant Oswald Perez, that the preliminary hearing date in the above-captioned matter, currently scheduled for July 24, 2015, at 4:00 pm, be vacated and continued for two weeks, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties request a continuance of the preliminary hearing to allow for continued negotiations.
2. Time is needed to allow the case to go to the grand jury.

1 3. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice.

3 4. The additional time requested by this stipulation, is allowed, with the
4 defendant's consent under the Federal Rules of Procedure 5.1(d).

5 5. This is the first request to continue the preliminary hearing date filed herein.

7 DATED this 23rd day of July, 2015.

9 Respectfully submitted,

10 DANIEL G. BOGDEN
11 United States Attorney

12 /s/ Rebecca Levy

13 /s/ Robert Krief

14 REBECCA LEVY, AFPD
Counsel for Defendant
PEREZ

15 ROBERT KNIEF
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,)
Plaintiff,) 2:15-mj-567-CWH
vs.)
OSWALD PEREZ,)
Defendant.)
)
FINDINGS OF FACT AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties request a continuance of the preliminary hearing to allow for continued negotiations.

2. Time is needed to allow the case to go to the grand jury.

3. Additionally, that denial of this request for continuance could result in a miscarriage of justice.

4. That the additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

5. This is the first request to continue the preliminary hearing date filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 24, 2015, at the hour of 4:00 pm, be vacated and continued to August 10, 2015 at 4:00 p.m.

DATED: July 24, 2015

DATED: July 24, 2015

UNITED STATES MAGISTRATE JUDGE
